

IPW

1654

Patent

Attorney Docket: 17741-503 (018,390-001)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

GOVARDHAN et al.

Serial No.: 10/024,405

Filed: December 18, 2001

For: DAPTOMYCIN AND RELATED  
ANALOGS IN CRYSTALLINE FORM

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

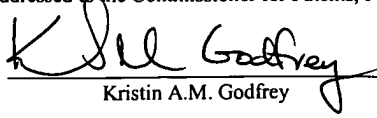
Sir:

Transmitted herewith is a Power of Attorney By Assignee. Applicant requests that a copy of the enclosed Power be entered for the above-referenced patent.

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

6/30/2004  
Date of Deposit  
IRI:1056255.1

  
Kristin A.M. Godfrey

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 6/30/04

By: John Kappos  
John Kappos  
Reg. No. 37,861  
Attorneys for Applicants

JCK/

O'MELVENY & MYERS LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618  
(949) 737-2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Peter L. Lanciano, Chairman, President and CEO of Altus Pharmaceuticals Inc., as representative of the Assignee of record of the entire interest of all applications/patents listed below, hereby revoke all powers of attorney previously given and appoint the following attorneys and/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in connection with any international patent application(s) corresponding to the below-identified applications/patents.

Louis Myers, Reg. No. 35,965 Laurie Butler Lawrence, Reg. No. 46,593 <b>FISH &amp; RICHARDSON P.C.</b> 225 Franklin Street Boston, MA 02110	Timothy J. Douros, Reg. No. 41,716 William D. DeVaul, Reg. No. 42,483 Jill M.N. Mandelblatt, Reg. No. 37,878 <b>CUBIST PHARMACEUTICALS, INC.</b> 65 Hayden Avenue Boston, MA 02421
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Please send all correspondence to the attention of Laurie Butler Lawrence, at the above address, and direct all telephone calls to Laurie Butler Lawrence at (617) 521-7872 or (617) 521-7814.

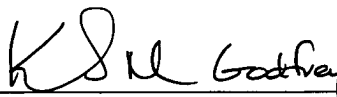
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Kristin A.M. Godfrey

U.S. Serial No./ Patent No.	U.S. Filing Date	First-Named Inventor	Reel	Frame	Recordation Date
10/024,405	12/18/2001	Govardhan	012821	0057	04/18/2002
10/024,405	12/18/2001	Govardhan	Papers recorded in USPTO on 05/26/2004 re name change, see attached.		

In conformance with 37 C.F.R. §3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated: June 11, 2004

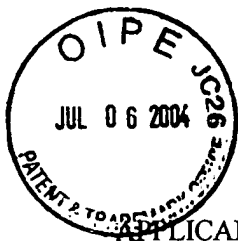
By: 

Peter L. Lanciano  
Name

Chairman, President and CEO  
Title

Altus Pharmaceuticals Inc.

Date of Deposit: May 26, 2004



PATENT APPLICATION  
Attorney Docket No.: 17741-503

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: ALTUS BIOLOGICS, INC.

ASSIGNEE: ALTUS PHARMACEUTICALS, INC.

SERIAL NO.: 10/024,405

FILING DATE: December 18, 2002

May 26, 2004  
New York, New York

Mail Stop Assignment Recordation Services  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

- ☒ Recordation Form Cover Sheet (1 pg.);
- ☒ Copy of Secretary of State of Delaware Restated Certification Change of Name Document dated May 20, 2004 (1 pg.);
- ☒ Check No. 1935 in the amount of \$40.00; and
- ☒ a Return Postcard.

The Commissioner is hereby authorized to charge any additional fees that may be due to Deposit Account No. 50-0311, Reference No. 17741-503, Customer No. 35437. A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 212/935-3000, New York, New York.

Date: 5/26/04

Respectfully submitted,

Matthew I. Golden, Reg. No. 35,161

Attorney for Applicants

MINTZ, LEVIN, COHN, FERRIS,

GLOVSKY AND POPEO, P.C.

The Chrysler Center, 666 Third Avenue, 24<sup>th</sup> FL.  
New York, New York 10017

Tel: (212) 935-3000

Fax: (212) 983-3115

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**RECORDATION FORM COVER SHEET**  
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**U.S. DEPARTMENT OF COMMERCE**  
**U.S. Patent and Trademark Office**  
**17741-503**

Tab settings ⇨ ⇨ ⇨ ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**ALTUS BIOLOGICS, INC.**

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: **ALTUS PHARMACEUTICALS, INC.**

Street Address: **625 Putnam Avenue**

City: **Cambridge** State: **MA** Zip: **02139-4807**

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☐ Security Agreement ☒ Change of Name  
☐ Other \_\_\_\_\_

Copy of Secretary of State of  
Delaware Restated  
Certification Change of Name  
filed on 20<sup>th</sup> of May, 2004

Execution Date:

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution data of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

**10/024,405 filed on December 18, 2002**

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: **Matthew J. Golden, Esq.**

Street Address: **Mintz Levin Cohn Ferris Glovsky and Popeo PC**

**Chrysler Center, 666 Third Avenue, 24<sup>th</sup> Floor**

City: **New York** State: **NY** Zip: **10017**

6. Total number of applications and patents involved: **5**

7. Total fee (37 CFR 3.41) . . . . . \$ **40.00**

- ☒ Enclosed  
☒ Authorized to charge deposit account for any deficiencies or credit any over payment.

8. Deposit account number: **50-0311**

(Attach duplicate copy of this page if paying by deposit account)

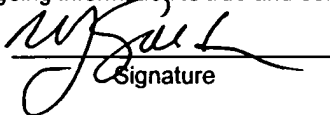
**DO NOT USE THIS SPACE**

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Matthew J. Golden, Reg. No. 35,161**

Name of Person Signing

  
Signature

**5/26/04**  
Date

Total number of pages including cover sheet, attachments, and documents: **2**

Mail documents to be recorded with required cover sheet information to:

Mail Stop: Assignment Recordation Services  
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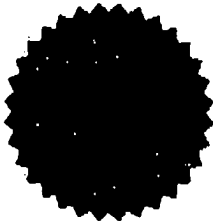
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "ALTUS BIOLOGICS INC.", CHANGING ITS NAME FROM "ALTUS BIOLOGICS INC." TO "ALTUS PHARMACEUTICALS INC.", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF MAY, A.D. 2004, AT 9:58 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



3427145 8100

040370423

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3122476

DATE: 05-20-04



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FROM: (PLEASE PRINT) PHONE ( ) Sx13  MINTZ LEVIN COHN, FERRIS GLOVSKY & POPEO, PC 666 3RD AVE FL 24 NEW YORK NY 10017-4040  change of name 17741-503 US (MSG)			TO: (PLEASE PRINT) PHONE ( )  mail stop assignment Recordation Services Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		

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8/ 250

F:02 T:



Serial No. 10/024,405 File No. 17741-503 By: MC/SXB  
Title: Daptomycin and Related Analogs  
Application of \_\_\_\_\_ Date: 5-20-04

NY

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d)                    | <input type="checkbox"/> Provisional Application Cover Sheet                      |
| <input type="checkbox"/> Change of Attorney's Address                         | <input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449                     |
| <input type="checkbox"/> New Power of Attorney                                | <input type="checkbox"/> References Cited   |
| <input type="checkbox"/> Patent Application                                   | <input type="checkbox"/> Copy of Notice to File Missing Parts                     |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional | <input type="checkbox"/> Amendment/Response                                       |
| Incl. _____ pages, ( _____ pgs) Specification,                                | <input type="checkbox"/> Petition for Ext. of Time (x2)                           |
| ( _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims)                  | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Design Patent Application                            | <input type="checkbox"/> Letter to Official Draftsperson                          |
| <input type="checkbox"/> Declaration(s)                                       | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Drawings _____ sheet(s) (FIGS. _____ - _____)        | <input type="checkbox"/> Brief (x3)   |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal             | <input checked="" type="checkbox"/> Check for \$ <u>40.00</u> Check # <u>1935</u> |
| <input type="checkbox"/> Verified Statement claiming small entity status      | <input checked="" type="checkbox"/> Transmittal Letter (x2)                       |
| <input checked="" type="checkbox"/> Assignment and Cover Sheet                | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)                     |
|   | <input checked="" type="checkbox"/> Express Mail Label No. <u>EV 452 426262US</u> |

X) Other Recordation Cover Sheet - change of name  
w/ copy of Secretary of State Delaware Restated  
Certification Change of Name document

DATE MAILED May 20, 2004